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Attorneys for Defendants
REGENTS OF THE UNIVERSITY OF CALIFORNIA,
TALMADGE E. KING, JR., M.D., LEE GOLDMAN, M.D.,
J. MICHAEL BISHOP, M.D.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STEPHEN EMBURY, M.D.,
Plaintiff,

vs.

TALMADGE E. KING, JR., M.D., LEE
GOLDMAN, M.D., J. MICHAEL BISHOP,
M.D., in their individual and official
capacities, THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA, a public
corporation, and DOES 1 to 100, inclusive,
Defendants.

Case No. C 01-01448 CW

**ORDER GRANTING AS MODIFIED
STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Date: September 9, 2005
Time: 1:30 p.m.
Courtroom: 2

Plaintiff Stephen Embury ("plaintiff") and defendants Regents of the University of California, Talmadge E. King, Lee Goldman and J. Michael Bishop ("defendants") (collectively referred to as the "parties") through their respectively counsel stipulate as follows:

WHEREAS, the Case Management Conference in this action is presently scheduled for September 9, 2005;

WHEREAS, defendants Talmadge E. King, Jr., Lee Goldman and Michael Bishop's ("defendants") Appeal of the Court's Order (Qualified Immunity) Denying Summary Judgment is currently pending before the United States Court of Appeal for the Ninth Circuit (the "Appeal");

WHEREAS, defendants' Opening and Reply briefs and plaintiff's Answering brief on the

1 Appeal have been filed with the Ninth Circuit;

2 WHEREAS, the date for oral argument on the Appeal has not yet been set by the Ninth
3 Circuit;

4 WHEREAS, the outcome of the Appeal may impact the action before this Court;

5 WHEREAS, the parties stipulate to continue the Case Management Conference for 120
6 days to **January 13, 2006 at 1:30 p.m.;**

7 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES :

8 That the Case Management Conference be continued to **January 13, 2006, at 1:30 p.m.**
9 in Courtroom 2 of the above Court.

10 Dated: September 7, 2005

LAFAYETTE & KUMAGAI LLP

11
12 /S/ Forrest E. Fang

FORREST E. FANG

Attorneys for Defendants

REGENTS OF THE UNIVERSITY OF

CALIFORNIA, TALMADGE E. KING, JR., M.D.,

LEE GOLDMAN, M.D. and J. MICHAEL

BISHOP, M.D.

16 Dated: September 2, 2005

BASSI, MARTINI & BLUM

19 /S/ Julie Jardine

FRED M. BLUM

JULIE JARDINE

Attorneys for Plaintiff

STEPHEN EMBURY, M.D.

23 IT IS SO ORDERED.

24 Date: 9/9/05

/s/ CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE